

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
EASTERN DIVISION

Ann K. Wilson as Administrator of the  
Estate of Felicie Joseph,  
Plaintiff,

vs.

Tyson Foods, Inc., Tyson Fresh Meats,  
Inc., John H. Tyson, Noel W. White,  
Dean Banks, Stephen R. Stouffer, Tom  
Brower, Tom Hart, Cody Brustkern, John  
Casey, Bret Tapken, James Hook, Doug  
White, Mary Jones, and Debra Adams,  
Defendants.

Case No. 6:22-cv-02025-LRR-KEM

**UNOPPOSED MOTION TO STAY  
DEADLINE TO FILE SCHEDULING  
ORDER AND DISCOVERY  
PLAN**

COME NOW the Defendants, pursuant to LR 7(d)(2) and for their Motion to Stay  
Deadline to File Proposed Scheduling Order and Discovery Plan until the Court rules on the  
pending Motion to Remand and state as follows:

1. On June 8, 2022, Defendants filed a Notice of Removal of this action from the  
District Court for Black Hawk County to the United States District Court for the Northern  
District of Iowa (Doc. 1).
2. The Court set the following deadlines:
  - a. Deadline to file Proposed Scheduling Order and Discovery Plan: August  
8, 2022.
3. On June 15, 2022, Defendants filed Motions to Dismiss Petition (Docs. 4 & 5).
4. On July 5, 2022, Plaintiff filed an Emergency and Untimely Motion to File An  
Extension to Respond to Defendants' Pending Motions to Dismiss (Doc. 9), seeking a belated  
extension of the June 29 deadline to respond to Defendants' Motions to Dismiss until July 25,  
2022. The Parties then conferred about the briefing schedule for Defendants' Motion to Dis-  
miss, and on July 11, 2022, filed a Joint Motion to Extend Deadlines (Doc. 11), requesting

deadlines of July 25 for Plaintiff to file Resistances to Defendants' Motions to Dismiss and August 15 for Defendants to file Replies.

5. On July 8, 2022, Plaintiff filed a Motion to Remand (Doc. 10). Defendants filed a Resistance to Plaintiff's Motion to Remand on July 22, 2022 (Doc. 19).

6. The Court entered an Order on July 19, 2022, (Doc. 14) denying as moot the Plaintiff's Emergency and Untimely Motion to Extend the Deadline to File Resistance to Defendants' Motion to Dismiss (Doc. 9) and the Parties' Joint Motion (Doc. 11). The Court found that because there was a pending Motion to Remand that "raises jurisdiction issues, the court must consider [the Motion to Remand] first."

7. Given that the Motion to Remand is still pending, the Court's reasoning in its July 19<sup>th</sup> Order applies here to warrant a stay of the deadline to file a Proposed Scheduling Order and Discovery Plan. It is in the interest of judicial economy to stay the deadline for filing the Proposed Scheduling Order and Discovery Plan in this matter until the Court rules on Plaintiff's Motion to Remand.

9. Should the Court deny Plaintiff's Motion to Remand, Defendants request that at that time, the Court re-set the deadline to file a Proposed Scheduling Order and Discovery Plan.

10. The undersigned has communicated this request with Plaintiff's counsel and Plaintiff does not resist this motion to stay these deadlines.

WHEREFORE, the Defendants respectfully request the Court enter an Order staying the deadline to file a Proposed Scheduling Order and Discovery Plan pending the Ruling on Plaintiff's Motion to Remand and such further relief as the Court deems appropriate.

Respectfully submitted,

/s/ Kevin J. Driscoll  
Kevin J. Driscoll AT0002245  
Eric G. Hoch AT0003486  
**FINLEY LAW FIRM, P.C.**

699 Walnut Street, Suite 1700  
Des Moines, Iowa 50309  
Telephone: 515-288-0145  
Facsimile: 515-288-2724  
Email: [kdriscoll@finleylaw.com](mailto:kdriscoll@finleylaw.com)  
[ehoch@finleylaw.com](mailto:ehoch@finleylaw.com)

Christopher S. Coleman  
(*Pro hac vice* forthcoming)  
Jessica L. Everett-Garcia  
(*Pro hac vice* forthcoming)  
**PERKINS COIE LLP**  
2901 N. Central Avenue, Suite 2000  
Phoenix, Arizona 85012  
Telephone: 602-351-8000  
Facsimile: 602-648-7000  
Email: [CColeman@perkinscoie.com](mailto:CColeman@perkinscoie.com)  
[JEverettGarcia@perkinscoie.com](mailto:JEverettGarcia@perkinscoie.com)  
ATTORNEYS FOR DEFENDANTS  
TYSON FOODS, INC., TYSON FRESH  
MEATS, INC., JOHN H. TYSON,  
NOEL W. WHITE, DEAN BANKS,  
STEPHEN R. STOUFFER, TOM  
BROWER, DOUG WHITE, DEBRA  
ADAMS, and MARY JONES

### **CERTIFICATE OF SERVICE**

This is to certify that, on August 8, 2022, a true and correct copy of the foregoing document was served upon all counsel of record via the Court's CM/ECF system as follows:

Thomas P. Frerichs  
**Frerichs Law Office, P.C.**  
106 E. 4th Street, P. O. Box 328  
Waterloo, Iowa 50704-0328  
319.236.7204 / 319.236.7206 (fax)  
[tfrerichs@frerichslaw.com](mailto:tfrerichs@frerichslaw.com)

John J. Rausch  
**Rausch Law Firm, PLLC**  
3909 University Ave., P. O. Box 905  
Waterloo, Iowa 50704-0905  
319.233.35557 / 319.233.3558 (fax)

Mel C. Orchard, III  
G. Bryan Ulmer, III  
Gabriel Phillips  
**The Spence Law Firm, LLC**  
15 S. Jackson Street  
P. O. Box 548  
Jackson, Wyoming 83001  
307.337.1283 / 307.337.3835 (fax)  
[orchard@spencelawyers.com](mailto:orchard@spencelawyers.com)  
[ulmer@spencelawyers.com](mailto:ulmer@spencelawyers.com)  
[phillips@spencelawyers.com](mailto:phillips@spencelawyers.com)

[rauschlawfirm@dybb.com](mailto:rauschlawfirm@dybb.com)

*Attorneys for the Plaintiff*

Nicholas Klinefeldt

**Faegre Drinker Biddle & Reath LLP**

801 Grand Avenue, 33rd Floor

Des Moines, Iowa 50309

515.447.4717 / 515.248.9010 (fax)

[nick.klinefeldt@faegredrinker.com](mailto:nick.klinefeldt@faegredrinker.com)

*Attorneys for Defendants Tom Hart, Cody Brustkern,  
John Casey, Bret Tapken, and James Hook*

/s/ Fonda M. Davis